

FISCAL NOTE

HB 2145 - SB 2088

February 5, 2004

SUMMARY OF BILL:

1. Defines landowner to include only a person or entity who:
 - does not charge a consideration for use of the premises; or
 - charges consideration for use of the premises, but whose total consideration collected in the previous year for all recreational and educational use of the entire premises of the landowner is not more than 20 times the amount of real property taxes imposed on the premises for the previous calendar year.
2. Provides that a landowner either directly or indirectly inviting or permitting, with or without consideration, any person to use such land for educational or recreational purposes, does not thereby:
 - extend any assurance that the premises are safe for such purpose;
 - grant to such person the legal status of an invitee to whom a duty of care is owed; or
 - assume responsibility for or incur liability for any injury to such person or purposely caused by any act of such person to whom permission has been granted except as otherwise exists for gross negligence or willful or wanton conduct that results in a failure to guard or warn against a dangerous condition, use, structure or activity.

ESTIMATED FISCAL IMPACT:

MINIMAL

- Bill potentially reduces the liability of a landowner who occasionally charges for use of their land.
- Under current law a landowner will be held liable under certain circumstances.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

